

Montana State Senate



WATER POLICY INTERIM
COMMITTEE 2017-18

July 17, 2018

Exhibit 20

The Treasure State

SENATOR PATRICK "PAT" CONNELL
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15 July 2018

Julie King, Supervisor
Bitterroot National Forest
and Responsible Officer for Gold Butterfly Project
1801 N First Street
Hamilton, MT 59840

Dear Supervisor King:

It is my pleasure and honor to comment on the DEIS for the Gold Butterfly Project, first, because a portion of the project falls within my Senate District, and will impact many folks; second, as Chair of the Legislative Water Policy Committee, and third, as a certified forester who has a *long* history involving the Bitterroot National Forest, and in general forestry throughout the State.

I attended the open house this past Tuesday, and this project, as well as the Forest was well served by the effort, and many issues were clarified and discussed.

To the silvicultural details of the analysis: it is comprehensive, detailed, and covers a very large amount of separate unit prescriptions and harvest method evaluations. I commend it breadth and scope. It will be absolutely imperative that the final EIS and subsequent harvest and service contracts allow adequate flexibility both to the Agency on-the-ground administrators, as well as to the project awardees, to respond to issues that will inevitably pop up in the execution of the different projects. What must be the compelling protocol is the *end result* on each separate block.

For the record, I support the Agency's proposed action, which includes some new road access construction. Simply put, the Agency's vegetative management responsibility requires access to accomplish its objectives throughout the landscape.

It becomes absolutely imperative for the successful defense and implementation of the Forest's proposed alternative that the Purpose and Need statement requires expansion. I support the four points presented in the DEIS; however, an additional specific statement is necessary to reflect the Agency's obligation to provide water for downstream users. Vegetative management practices can indeed impact both volume and *timing of flow* of water off headwater landscapes. So, too, can massive wildfires. It is a fundamental legal fact that the Agency, as established in the Organic Act of 1897 and subsequently re-affirmed in the landmark 1978 SCOTUS decision in *US v New Mexico* that the delivery of water is one of the two fundamental purposes for the existence of the Agency. For roughly the last 3 decades, the Northern Rockies have seen a drier and hotter summer weather cycle. In fact, the Agency's own public information folks have recently begun to point to this shift explaining the severity and issues surrounding wildfire behavior and suppression. Consequently, I would assert that the Agency must recognize this weather issue concerning the risks its watersheds face from large wildfires. While it is certainly factual that vegetation depends on moisture to survive, forest headwater drainages require a green and healthy timber stand to insure season-long delivery of water rather than just a spring rush that holds little benefit to the forest, or to downstream *Senior Water Right* holders. Including the appropriate language in your Purpose and Need Statement will substantially enhance the justification for the Agency's proposed alternative. Finally, Montana faces critical issues going forward regarding ground and surface water, as the Governor's Climate Change Review Committee has suggested. These issues include both volume as well as *timing of flow*. Historically, Montanans fight for water, and if water is a recognized primary purpose of this project, Montana could stand in defense of it.

Regards,

A handwritten signature in blue ink, appearing to read "Pat Connell", with a long, sweeping underline that extends down towards the distribution list.

Senator Pat Connell, *Certified Forester*

Cc: Regional Forester
John Bloomquist
Montana EQC
Montana Attorney General